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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/534,834

10/25/2005

Peter Brodin

1544-1003

8974

466

7590

03/05/2009

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EXAMINER

FRECH, KARL D

ART UNIT

PAPER NUMBER

2887

MAIL DATE

DELIVERY MODE

03/05/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/534,834 | Applicant(s) BRODIN, PETER | |
| | Examiner Karl D. Frech | Art Unit 2887 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 17-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 17-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. Applicant's amendment filed 12/12/08 has been entered. Claims 14-16 are cancelled, claims 17-20 are newly added.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcus 6,354,494 in view of Baratelli 6,325,285. Marcus discloses an identification card. It is disclosed in col 3 line 66- col 4 line 3 that a person is scanned to produce a signal representative of an image of the person; col 4 line 3 discloses the signal is converted into a digital representation; col 4 lines 42-49 disclose that the digital image is converted to a PDF 417 bar code; col 4 line 50-54 disclose that this bar coded digital representation of the person is printed on the card; col 4 line 60-65 discloses that the persons image is also printed on the card. Although not specifically disclosed that Marcus images/digitizes a retinal scan, Marcus does contemplate retinal scans in col 1 lines 50-55. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a retinal scan on the card of Marcus. As disclosed by Marcus, this would be advantageous in areas of high security. Marcus does not disclose the fingerprint scan. Although Marcus does contemplate the fingerprint scan in col 1 line 50-55, Baratelli 6,325,285 discloses a fingerprint scan in a security card. It would have been obvious to a person of ordinary skill in the art at the time of the

invention to include a fingerprint scan on the card of Marcus. Again, as disclosed by Marcus, this would be advantageous in areas of high security.

4. Applicant's arguments filed 12/12/08 have been fully considered but they are not persuasive. Applicant argues that Marcus uses analog scanning and therefore does not allow for the quality of imaging as desired by the current invention. The examiner agrees that Marcus' original image is analog, but as admitted by applicant, there is an A/D conversion making the image digital. The current claims do not recite any limitations that the imaging device itself must be a digital imaging device, only that a digital image is formed. Further, there are no "quality" of image elements recited in the current claims. Applicant also argues that the current new claims recite biometric data. However, the examiner points out that the image of the card holder is converted and stored in the PDF 417 code, thus the biometric data is encompassed by the references relied upon. Applicant also argues that Baratelli is non-analogous art. The examiner respectfully disagrees. Baratelli is directed toward a smart card with biometric considerations (finger print). That alone places it within the realm of analogous.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D. Frech whose email address is karl.frech@uspto.gov. If attempts to reach the examiner by email are unsuccessful, the examiner's telephone number is (571) 272-2390. The examiner can normally be reached on maxi-flex.

If ALL attempts to reach the examiner are unsuccessful, the examiner's supervisor, Steven Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karl D Frech/
Primary Examiner, Art Unit 2887